

Chapter 5.20

SPECIAL EVENTS LICENSING

Now be it ordained by the Board of Trustees of the Town of Mesilla that:

Section 1:

Sections:

- 5.20.010 Title.
- 5.20.020 Purpose.
- 5.20.030 Definitions.
- 5.20.040 Applicability.
- 5.20.050 Exemptions.
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- 5.20.070 Fees.
- 5.20.080 Compliance with applicable laws.
- 5.20.090 Fines and actions.
- 5.20.100 Each day a separate offense.

5.20.010 Title.

This chapter may be cited as the “special events licensing ordinance.” [Ord. 2017-04 § 1]

5.20.020 Purpose.

The purpose of this chapter is to:

- A. Maintain the aesthetic and historic attractiveness of the town, including town rights-of-way and town property;
- B. Promote public safety and orderly movement of pedestrians and, where designated, drivers who use town rights-of-way and/or town property;
- C. Ensure that all businesses that operate within the town promote the town’s economic viability by generating or encouraging the generation of sales taxes that can be used to provide necessary services for the residents of the town;
- D. Ensure that all businesses in town are operating within the regulatory authority of the town;
- E. Reduce the potential for urban blight by encouraging the use of town facilities such as the plaza in a way that preserves the historic character of the town while generating income for the town; and
- F. Promote compliance with relevant building, fire, health and safety codes by those who wish to conduct business within the town. [Ord. 2017-04 § 1]

5.20.030 Definitions.

- A. Use of Words and Phrases. As used in this chapter, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.
- B. “Food” has its usual and ordinary meaning, and includes all items designed for human consumption, including, but not limited to, ice cream, candy, gum, popcorn, hot dogs, sandwiches, peanuts, meats, fish, soft drinks, coffee and dairy products.
- C. “Itinerant vendor” means a person, firm or corporation, whether as owner, agent, consignee, or employee, whether a resident of the town or not, who engages in a business of selling goods, wares, food, merchandise of

any kind or description and who commonly conducts such business either (1) in or about a structure that is not permanently affixed to real property, or (2) by traveling from place to place, customer to customer, or client to client (as such terms are commonly known) for the purpose of conducting business with customers or clients located within the town. A person, firm or corporation so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with a local dealer, trader, merchant or auctioneer, or by conducting such temporary business in connection with, as part of, or in the name of a local dealer, trader, merchant or auctioneer.

D. “Mobile vendor” means an itinerant business operator or vendor who conducts business from a vehicle or other conveyance upon public streets, sidewalks, alleys, or other public ways of the town, excluding fireworks vendors, carnivals, farmer’s markets, and public festival or fiesta vendors.

E. “Public celebration” means any fiesta, festival, or any other kind of public celebration designated by the board of trustees, including the associated activities and businesses that might be authorized during such period.

F. “Temporary site-specific vendor” means an itinerant vendor who conducts business (1) from a vehicle or other conveyance, or (2) in or about a structure that is not permanently affixed to real property, and that is located upon privately or publicly owned property, but not on a public street, sidewalk, alley or public way of the town. This includes pop-up markets.

G. “Special event” is defined as any temporary commercial or private indoor or outdoor event, such as, but not limited to, parades, runs, walks and other athletic events, fairs, shows, concerts, street festivals, celebrations, anniversaries or other events of a similar nature, not including town-sponsored events. [Ord. 2017-04 § 1]

5.20.040 Applicability.

It is presumed that all itinerant vendors and temporary site-specific vendors engaging in business within the geographical boundaries of the town of Mesilla, New Mexico, are subject to the provisions of this chapter unless exempt by state statute or other town of Mesilla regulations. [Ord. 2017-04 § 1]

5.20.050 Exemptions.

The following activities, businesses, and/or persons, as such are commonly known, shall be exempt from coverage of this chapter, but this exemption shall not be construed to limit or restrict the application of other laws and regulations pertaining to such activities, businesses and/or persons:

- A. Newspaper couriers;
- B. Lemonade stands or other similar stands operated by a minor making \$500.00 or less per year;
- C. Stands used to sell or distribute flowers, fruit, vegetables, produce or plants grown on the property where the stand is located;
- D. Delivery or distribution of food, goods or products ordered or purchased by customers from a source or point of sale other than a mobile vehicle operated for the purpose of soliciting customers while traveling or while located on town streets or property;
- E. Delivery or distribution of food by or for any not-for-profit organization, governmental agency, or other charitable organization, including without limitation Meals on Wheels and the food bank; and
- F. Mobile or itinerant vendors operating under a mercado, special use permit, or other permit issued by the town for a public celebration or special event. [Ord. 2017-04 § 1]

5.20.060 Requirements.

All itinerant and temporary vendors are responsible for complying with the following requirements:

- A. The name or names and address of the applicant, vehicle license numbers of all vehicles from which the applicant proposes to conduct business; description of the general type of goods, wares, merchandise or food proposed to be sold by the applicant; and the place or places where the applicant proposes to engage in business shall be filed with the town.

B. Each application shall be accompanied with the applicable application, license, and other fees as established in this chapter, or as lawfully adjusted by the town, which fee schedule shall be on file with the town clerk.

C. Application submission deadline shall be 15 working days before the event and shall be reviewed by the following departments:

1. Office of the town clerk/treasurer;
2. Public works;
3. Fire department;
4. Community development; and
5. Marshal's department.

D. Operations for special events shall be limited from 11:00 a.m. to 11:00 p.m. from Thursday to Saturday, and from 12:00 p.m. to 8:00 p.m. on Sundays.

E. The number of private events at which itinerant vendors, temporary site-specific vendors, including food trucks, will be allowed on private property is two per quarter, and shall be limited to three consecutive days.

F. All itinerant vendors and site-specific vendors, including food trucks, shall be limited to commercial zones only.

G. Food trucks shall not be parked overnight on the property.

H. The number of itinerant vendors and temporary site-specific vendors, including food trucks, shall be limited by the applicant's ability to demonstrate compliance with R. ADA Compliance and S. Emergency Access of this section accurately in their site plan.

I. All food vendors must comply with New Mexico Environment Department Food Service and Food Processing Regulations. An Environment Department Food Program food service permit must be obtained prior to approval of a vendor's license, along with an inspection and certification by the Mesilla fire marshal.

J. All vendors shall be located on private property and shall provide written authorization from the property owner that the vendor may be located on the property.

K. Vendors' operations, associated structures, and signs shall not be attached to public property or placed in areas that obstruct or infringe on pedestrian or vehicular traffic, or the public view of other signage or rights-of-way.

L. Vendors shall not occupy, obstruct, or infringe on any public right-of-way or clear sight triangle at the intersection of any public road or right-of-way while engaging in business.

M. Any waste or packaging associated with the vendor's product or merchandise shall be disposed of by the property owner or the vendor. Serving and disposal areas shall have at least one trash receptacle.

N. Site Plan. The plan shall include but shall not be limited to the following:

1. Name of vendor/property owner with dates and times of the event and contact information.
2. Brief description of the event (i.e., concert, festival, car show, etc.).
3. Shall be clear and legible and drawn to scale.
4. The locations of all egress gates, barriers, fencing and barricades, if applicable.

5. Locations of all stages, any tents or membrane structures, portable restrooms/public restrooms, booths, displays, cooking areas, lighting, trash receptacles, and seating areas, etc.

6. All lighting shall be in compliance with the “night sky ordinance” (Chapter 18.50 MTC, Outdoor Lighting).

7. Estimated attendance for the event.

8. Electrical generators’ locations or if using another electrical source (i.e., property owner electric via extension cord).

9. Details of each cooking location identifying the method of cooking, locations of flammable gases or barbecue grills and extra storage tanks.

O. Signs, in addition to menu boards on the truck itself, shall be limited to two signs (single-sided) or one two-sided sandwich board, and shall be located on site and must have a setback of at least five feet from any property lines adjacent to a public road or right-of-way.

P. Noise Restrictions. The town of Mesilla may deny a special event permit or impose restrictions upon time, place, manner and degree of loudness of any noise amplification in order to prevent the following:

1. Undue annoyance to persons;
2. A public nuisance;
3. Interference with pedestrian and vehicular traffic;
4. Interference with schools, churches or other assemblies;
5. A disturbance of the peace; or
6. Because of excessive noise or an accumulation of noises that is a hazard to a person’s health.

Q. Every vendor covered by this chapter shall at all times prominently display the vendor’s license issued by the town of Mesilla.

R. Americans with Disabilities Act (ADA). The special event applicant shall be responsible for the event’s compliance with applicable ADA requirements. [Ord. 2017-04 § 1]

S. Emergency Access. The special event applicant shall be responsible for the event’s compliance with emergency access.

5.20.070 Fees.

Itinerant and temporary vendors engaging in business in town shall pay to the town an annual registration fee set by the state, renewable in March of each year. The applicant shall pay an environmental fee of \$100.00 per day, per event. Additional costs, including any costs of additional inspections or tests necessary to ensure safe operation, or requested by the applicant (including costs incurred by the town), shall be paid for by the applicant unless other arrangements between the applicant and the town have been made. [Ord. 2017-04 § 1]

5.20.080 Compliance with applicable laws.

Itinerant and temporary vendors shall comply with all applicable local, state, and federal laws and regulations. Additionally, all itinerant and temporary vendors shall ensure that all sales and monetary transactions that take place in town limits will be reported properly to the appropriate taxing authorities, and the town shall receive the appropriate gross receipts tax due as a result of any sales or monetary transactions that take place while operating in the town. (Failure to properly report transactions or taxes while conducting business within town limits may result in a vendor’s Mesilla business permit being temporarily or permanently revoked.) [Ord. 2017-04 § 1]

5.20.090 Fines and actions.

If the board of trustees determines by a majority vote that any of the above sections have been violated, then the violator's business license with the town may be revoked temporarily or permanently, and any person violating any provisions of this title, upon conviction, shall be punished by a fine of not more than \$500.00, or by imprisonment in the county jail for a term not exceeding 90 days, or by both fine and imprisonment. [Ord. 2017-04 § 1]

5.20.100 Each day a separate offense.

Each day during any portion of which any violation of this title is committed or continued by such person shall constitute a separate offense and shall be punishable as provided. [Ord. 2017-04 § 1]

SECTION 2. Repealer

All ordinances or resolutions, or part therefore, inconsistent with this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution.

SECTION 3. Effective Date

This ordinance shall be in full force and effect, five (5) days after this approval, adoption and publication as provided by law.

PASSED, ADOPTED AND APPROVED this [MONTH] [DAY], [YEAR].

Nora L. Barraza

Mayor

Town of Mesilla

ATTEST:

By: _____

Cynthia Stoenner-Hernandez

Clerk/Treasurer

Town of Mesilla

(seal)